

**BEFORE THE IDAHO DEPARTMENT OF LANDS**

In the Matter of the Application for Encroachment L95S6193, to construct a community dock system, boat lifts, and boat garages on the Spokane River,

Adam and Coral Olinger, Alex Hamill, Jason Vedadi, and Jordan Dascalo,

Applicants,

Scott Hansen, Laneco Marine,

Agent for Applicants.

AGENCY Case No. PH-2026-NAV-22-003

OAH Case No. 26-320-05

**FINAL ORDER**

Applicants Adam and Coral Olinger, Alex Hamill, Jason Vedadi, and Jordan Dascalo (“Applicants”) submitted an application to Idaho Department of Lands (“IDL”) to construct a community dock system among their four adjacent riparian parcels on the Spokane River. The proposed project consists of four docks, eight boat lifts, and two boat garages. Each parcel would have one of the four proposed docks attached to it, with individual docks ranging from 1,262 to 2,268 square feet.

IDL held a public hearing on April 8, 2026, conducted by the Office of Administrative Hearings (“OAH”). Administrative Law Judge Leslie Hayes (“ALJ Hayes”) presided over the hearing. On May 11, 2026, ALJ Hayes issued a Findings of Fact, Conclusions of Law, and Recommended Order (“Recommended Order”).

As Director of IDL, my responsibility is to render a Final Order pursuant to Idaho Code § 58-1306(c) and IDAPA 20.03.04.030.07, on behalf of the State Board of Land Commissioners (“Land Board”) based on the record reviewed in the context of my personal expertise gained through education, training, and experience. I relied on, and examined the entire record, including the hearing and the Recommended Order. For the reasons set forth below, the Application is **DENIED**.

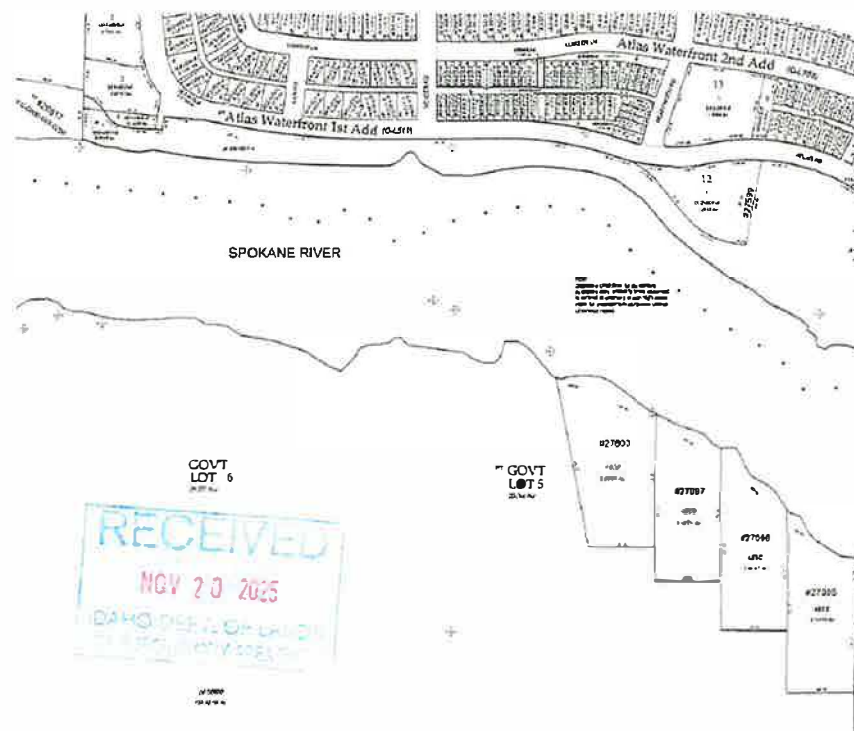
I adopt ALJ Hayes’s evidentiary rulings as my rulings. Unless stated otherwise, the Findings of Fact and Conclusions of Law in this Order are substantially adopted from the Recommended Order.

## FINDINGS OF FACT

1. Applicants own the following four adjacent littoral parcels along the Spokane River in Kootenai County:

- a. Jason Vedadi owns parcel 50N04W104950 (“Vedadi Property”)
- b. Adam and Coral Olinger own parcel 50N04W104800 (“Olinger Property”)
- c. Alex Hamill owns parcel 50N04W104850 (“Hamill Property”)
- d. Jordan Dascalo, BWHQ, LLC owns parcel 50N04W104900 (“Dascalo Property”) IDL-13, pp. 1-4, 26-31.

2. Each parcel is approximately two acres and zoned residential rural. The parcels’ general location is depicted in the lower right corner of the map:

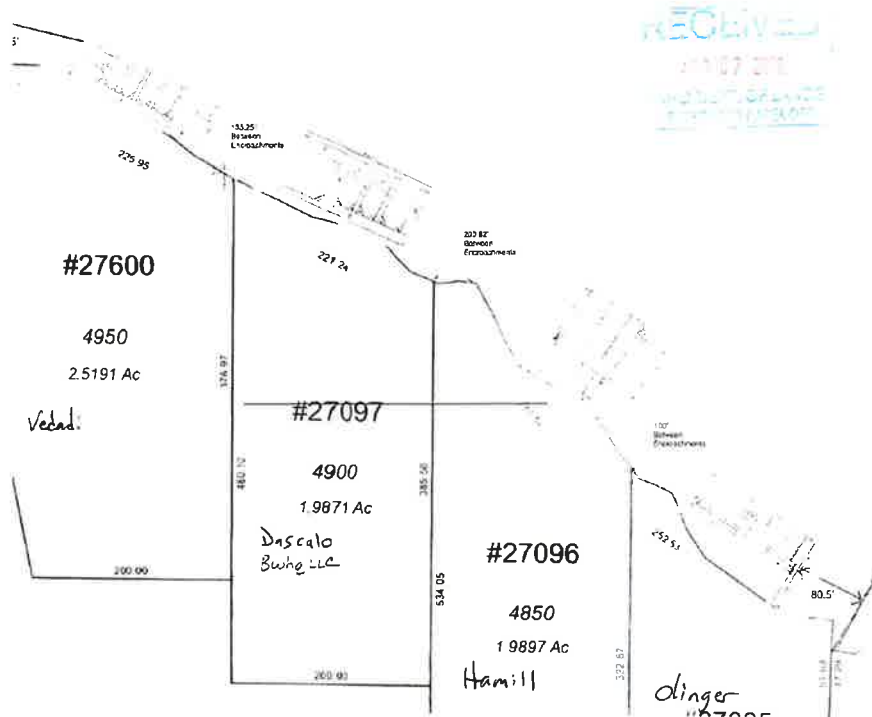


Rev. App., p. 30.

3. On January 16, 2026, IDL received an application seeking to permit a “community dock system” on the four parcels consisting of four separate docks, eight boat lifts, and two boat

garages (“Application”)<sup>1</sup>. Rev. App. The Application states the purpose as “community docks and boat lifts for personel [sic] use + boat houses.” Rev. App., p. 1.

4. According to the Application, each of the four docks would be attached to an individual parcel as depicted:



Rev. App., p. 12.

5. The Application identifies each dock separately by name as the Vedadi Dock, Dascalo Dock, Hamill Dock, and Olinger Dock, and calculates each dock’s individual “allowed dock sq ft” according to each parcel’s shoreline measurement:

Dock Name	Total Shoreline	Allowed Dock Sq Ft	Dock Sq Ft	Boat Garage Sq Ft	# of slips	# of boat lifts	Width x Length
Vedadi	325.95	2281.65	2268.00	685.38 ✓	7	2	145.33' x 40'
Dascalo	221.24	1548.68	1496.00	NA	4	2	86' x 36'
Hamill	283.82	1986.74	1262.00	440.00 ✓	3	2	58' x 55'
Olinger	252.53	1767.71	1938.50	NA	4	2	120' x 70'
<b>Totals</b>	<b>1083.54 ✓</b>	<b>7584.78</b>	<b>6964.50 ✓</b>	<b>1125.38</b>	<b>18</b>	<b>8</b>	

+ 2 BG slips

<sup>1</sup> Applicant submitted a revised application on April 7, 2026, which moved the Ohlinger Dock farther away from the adjacent neighbor. Any reference to Application in this Order refers to the Revised Application.

Rev. App., p. 13.

6. The Vedadi Dock would be 2,268 square feet (based on the Vedadi Parcel shoreline length of  $325.95' \times 7'$ )<sup>2</sup> consisting of 9 sections labeled A-J, containing 7 slips, 2 boat lifts, and a 685-square-foot boat garage. *Id.* pp, 14, 15.

7. The Dascalo Dock would be 1,496 square feet (based on the Dascalo Parcel shoreline length of  $221.24 \times 7'$ ) consisting of 7 sections labeled A-G, containing 4 slips and 2 boat lifts. *Id.*, pp. 13, 17.

8. The Hamill Dock would be 1,262 square feet (based on the Hamill Parcel shoreline length of  $283.82 \times 7'$ ) consisting of 8 sections labeled A-H, containing 3 slips, 2 boat lifts, and a 440-square-foot boat garage. *Id.*, pp. 13, 18.

9. The Olinger Dock would be 1,938.5 square feet (based on the Olinger Parcel shoreline length of  $252.53 \times 7'$ ) consisting of 9 sections labeled A-I, containing 4 slips and 2 boat lifts. *Id.*, pp. 13, 22.

10. The Vedadi and Dascalo Properties have existing encroachment permits for single family docks, which would be revoked if the Application were approved. *Id.*, p. 11.

11. On December 3, 2025, IDL provided notice of the Application to the adjacent properties, Coeur d'Alene Land Company and JYD ID, LLC. IDL-02.

12. On December 4, 2025, IDL provided notice of the Application to interested agencies. IDL-03.

13. On December 6, 2025, IDL published notice of the Application in the Coeur d'Alene Press to run December 6 through December 13. IDL-04.

14. On February 12, 2026, IDL received an objection from Justin Yancey, the neighbor adjacent to the Ohlinger Parcel, on the grounds that the Olinger Dock would be located within 25' of his riparian parcel. IDL-06. Mr. Yancey withdrew the objection after Applicants submitted a Revised Application relocating the Ohlinger Dock farther from Mr. Yancey's parcel.

15. IDL requested that OAH conduct a public hearing. DKT. 1.

16. ALJ Hayes scheduled a public hearing for April 8, 2026 and IDL published notice of the hearing in the Coeur d'Alene Press. IDL-12.

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<sup>2</sup> IDAPA 20.03.04.15.02.c provides that the surface area of the decking on community docks is limited to the product of the length of the shoreline multiplied by seven square feet per lineal feet.

17. Idaho Department of Fish and Game responded with no comments. IDL-08.
18. Kootenai County Community Development emailed a response to IDL stating “the development proposed under Idaho Department of Lands No. L95S6193 . . . is ‘Approved with Conditions<sup>3</sup> . . .’” IDL-07.
19. On April 1, 2026, the Kootenai County Sheriff’s Office (“KCSO”) emailed IDL opposing the Application stating KCSO “does not support any project that would reduce the navigable width of the waterway in an already narrow section of the river.” PC-0009, 0010.
20. On the day of the hearing, KCSO rescinded their opposition and offered support for the Application. PC-0016.
21. A public hearing was held on April 8, 2026 at the College of Northern Idaho. ALJ Hayes presided over the hearing, which was attended by IDL, Applicants, and members of the public.
22. The City of Coeur d’Alene owns a park and swimming area across the Spokane River. April 8, 2026 Onsite Inspection; April 8, 2026 Recording at 7:54-8:59.
23. The property was donated to the City, and includes “relic piling” in the river that are well-documented as a safety and navigational hazard. *Id.*; IDL-14.
24. IDL has recommended that the City remove the piling because they reduce the navigable area of the river and present a navigational hazard. IDL-14. Onsite Inspection Photos taken from Vedadi Property.
25. Generally, if a line of navigability is not already established, projects on the Spokane River seek to achieve a 366-foot safety corridor for boat traffic. IDL-14; Rec. at 6:33-7:54; *In the Matter of Encroachment Permit Application No. L-95-S-6181, The Estates at Waterstone HOA, Inc., Jason Garvey, Agent*, Agency Case No. PH-2025-NAV-22-006, OAH Case No. 25-320-08, Final Order, p. 2 ; *In the Matter of Application for Encroachment L-95-S-6163A, a Community Dock, River’s Edge Apartments, LLC, Lanzce Douglass*, Agency Case No. PH-2025-NAV-22-005, OAH Case No. 25-320-07, p. 2 (collectively “Spokane River Orders”).
26. Applicants’ docks vary in length from 36 feet (Dascalo Dock) to 70 feet (Olinger). Rec. at 9:40-9:58; IDL Prehearing Statement, p. 8.
27. Three of the four docks will not provide a 366’ safety corridor. Rec. at 8:59-9:43.
  - a. The Vedadi Dock would narrow the channel width to 339 feet.

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<sup>3</sup> It is not clear from the comment what Kootenai County Community Development “approved”.

- b. The Dascalo Dock would narrow the channel width to 309 feet.
  - c. The Hamill Dock would narrow the channel width to 323 feet.
  - d. The Olinger Dock would provide 406 feet of channel width.
28. None of the four applicants testified at the hearing.
29. After the hearing, IDL received 8 public comments in opposition to the Application.
30. One commenter opposed the Application on the grounds that the docks do not allow for a 366' safety corridor and believes the definition of a community dock is misappropriated. The applications "consist of each lot having its own dock yet posing as a 'community dock' in order to be granted MORE DOCK FOOTAGE than the standard 700 sq ft for others!" PC-0025.
31. One commenter opposed the Application on the grounds of congestion and safety, stating that "four lot owners seeking a community dock" should not be approved. PC-0026.
32. One commenter alleged the Application "is in violation of both the spirit and the legal definition of a community dock<sup>4</sup>." PC-0027.
33. One commenter alleges the Application misclassifies the encroachment type and "represent[s] a calculated attempt to privatize a public navigational channel for commercial gain under the guise of 'community docks.'" PC-0028 – 30.

### CONCLUSIONS OF LAW

The Idaho Legislature enacted the Lake Protection Act ("LPA"), Title 58, Chapter 13, Idaho Code, in 1974 stating that:

The legislature of the state of Idaho hereby declares that the public health, interest, safety and welfare requires that all encroachments upon, in or above the beds of waters of navigable lakes of the state be regulated in order that the protection of property, navigation, fish and wildlife habitat, aquatic life, recreation, aesthetic beauty and water quality be given due consideration and weighted against the navigational or economic necessity or justification for, or benefit to be derived from the proposed encroachment. No encroachment on, in or above the beds or waters of any navigable lake in the state shall hereafter be made unless approval therefor has been given as provided in this act.

I.C. § 58-1301. The LPA mandates that IDL weigh the economic benefits and detriments of a

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<sup>4</sup> The comment misidentifies the applicant as "Rivers Edge".

proposed community navigational encroachment, along with environmental, navigational, recreational, and other impacts that may be associated. IDL, based on its experience and expertise, is in the best position to weigh the competing interests involved. *Brett v. Eleventh St. Dockowner's Ass'n, Inc.*, 141 Idaho 517, 523, 112 P.3d 805, 811 (2005).

The Land Board is authorized to “regulate and control the use or disposition of lands in the beds of navigable lakes, rivers and streams, to the natural or ordinary high water mark thereof, so as to provide for their commercial, navigational, recreational or other public use. . .” I.C. § 58-104(9)(a). The LPA provides that the Land Board “shall regulate, control and may permit encroachments in aid of navigation or not in aid of navigation on, in or above the beds of waters of navigable lakes.” I.C. §§ 58-1303. IDL is granted power to exercise the Board’s rights, powers and duties under the LPA. I.C. § 58-119(1); *Newton v. MJK/BJK, LLC*, 167 Idaho 236, 242 (2020).

Through its statutory authority, the Land Board promulgated the Rules for the Regulation of Beds, Waters and Airspace Over Navigable Lakes in the State of Idaho (“LPA Rules”), which provide “minimum standards to govern projects or activities for which a permit or permits have been received” under the LPA. I.C. § 58-1304; IDAPA 20.03.04.

The Spokane River is a navigable river and is within IDL’s authority to regulate encroachment permits.

#### **The Application and the Requirements of Idaho Code § 58-1306(a) and LPA Rules.**

Applications for construction of community navigational encroachments shall be submitted upon approved forms and “accompanied by plans of the proposed encroachment containing information required by section 58-1302(k), Idaho Code, and such other information as the board may by rule require in conformance with the intent and purpose of this chapter.” I.C. § 58-1306(a). Applications must be submitted or approved by the riparian or littoral owner. Id.

Plans shall include:

- Lakebed profile in relationship to the proposed encroachment and show the summer and winter water levels.
- Copy of most recent survey or county plat showing the full extent of the applicant’s lot and the adjacent littoral lots.
- Proof of current ownership or control of littoral property or littoral rights.
- A general vicinity map.
- Scaled air photos or maps showing the lengths of adjacent docks as an indication of the line of navigability, distances to adjacent encroachments, and the location and

orientation of the proposed encroachment in the lake.

- Total square footage of proposed docks and other structures, excluding pilings, that cover the lake surface.
- Names and current mailing addresses of adjacent littoral owners.

IDAPA 20.03.04.020.07.a. The Application meets the requirements of I.C. § 58-1306(a), 58-1302(k), and IDAPA 20.03.04.020.07.a.

**The record is insufficient to determine whether the Application meets the standards for a community dock.**

The Applicant generally bears the burden of proof in these matters. “The customary common law rule that the moving party has the burden of proof—including not only the burden of going forward but also the burden of persuasion—is generally observed in administrative hearings.” *Intermountain Health Care, Inc. v. Bd. of County Comm’rs of Blaine County*, 107 Idaho 248, 251, 688 P.2d 260, 263 (Ct. App. 1984) *rev’d on other grounds* 109 Idaho 299, 707 P.2d 410 (1985). It is incumbent on the Applicant to provide IDL with sufficient information to examine the project as a whole and justify its approval.

In this case, the Applicants provided little more than the Application, which lacks sufficient information to differentiate this “community dock system” from four—very different and parcel specific—single-family docks. Exhibits to the Application were related to the Olinger Dock location, which was subsequently moved after the neighbor’s objection. Applicants did not testify at the hearing. Based on the information submitted, the Application appears to be more consistent with single-family dock encroachments than a community dock.

The LPA Rules provide the following definition of a Community Dock:

A structure that provides moorage for more than two (2) adjacent littoral owners, or other littoral owners possessing a littoral common area with littoral rights, including, but not limited to, homeowner’s associations.

IDAPA 20.03.04.010.11. The LPA Rules provide the following standards for Community Docks:

- b. No part of the structure . . . may exceed ten (10) feet in width . . .
- c. A community dock . . . will be limited in size as a function of the length of shoreline dedicated to the community dock. The surface decking area of the community dock is limited to the product of the length of shoreline multiplied by seven (7) square feet per lineal feet or a minimum of seven hundred (700) square feet. However, the Department, at its discretion, may limit the ultimate size when evaluating the proposal

and public trust values.

IDAPA 20.03.04.015.02.b, c.

In contrast a to a community dock, a single-family dock is “[a] structure providing noncommercial moorage that serves one (1) waterfront owner . . .” IDAPA 20.03.04.010.36. Single-family docks are limited to 700 square feet of decking. IDAPA 20.03.04.015.01.a, d. Single family docks are generally processed with a “minimum of procedural requirements” and “shall not be denied nor appearance required except in the most unusual of circumstances . . .” I.C. § 58-1305(a).

Community docks and other non-navigational encroachments are subject to a more onerous set of standards, and the benefits, public or private, must outweigh any detriments to the public as shown through a balancing of the factors and viewed in light of the Public Trust Doctrine.

Here, the Application is more consistent with four unique single-family docks instead of a “community dock system.” For example, each dock’s size appears to be based on the shoreline length for each individual parcel instead of, for example, four identical sized docks based on the combined shoreline length. From the record, it appears that rather than serving multiple littoral owners as a cohesive dock system, each of the four proposed docks is instead designed to serve only the single littoral owner of the parcel to which it is attached, more akin to the purpose of a single-family dock. Additionally, the Vedadi and Hamill Docks incorporate boat garages, which were specifically assigned to Vedadi and Hamill through temporary permits. Rev. App. 33-37.

If the Application sought single family encroachment permits, each dock would be limited to 700 square feet. Instead, the Application seeks a “community dock system” made up of docks ranging from 1,262 to 2,268 square feet—more than double the 700-square-foot maximum for single-family docks. The Applications provided no evidence or testimony regarding any site-specific considerations, community purpose, characteristics of use, or any public or private benefit to be derived from permitting such an encroachment.

Here, Applicants attempt to meet the bare-minimum technical standard for a community dock through the LPA Rule definition as “private moorage for more than two (2) adjacent littoral owners,” which is arguably far outside the spirit of the rules. Based on the record of this application, Applicants, in essence, seek four oversized, single-family docks by attempting to

utilize the community dock standards, which allow for larger docks than the rules permit if processed as a single-family dock.

Throughout the record and these proceedings, each of the individual docks is referred to by the name of the parcel owner that the dock will belong to. Rev. App., p. 13. The dock “system” is comprised of individually designed docks attached to the parcels of the individual riparian landowners and appear to be designed to only serve the single littoral owner of the parcel to which they are attached. While the four riparian owners certainly appear to be “more than two (2) adjacent littoral owners” as provided in the LPA Rules definition, they do not otherwise appear to have an association that would constitute a “community” in the sense that the Rules would provide for a community dock.

### **The Lake Value Factors and Public Trust Doctrine**

Even if an application meets the bare minimum of technical requirements or definition within the rules, encroachments are still subject to the limitations imposed by the public trust doctrine.

A riparian or littoral property owner typically possesses certain rights including “the right of access to the water, and, subject to state regulation, the right to build wharves and piers in aid of navigation.” *Newton v. MJK/BJK, LLC*, 167 Idaho 236, 243 (2020). However, this right is still subject to the public trust doctrine. *Id.* Although the State allows encroachments in aid of navigation in public trust waters, no encroachment may substantially impair the public interest in the lands and waters remaining. *Kootenai Env't All., Inc. v. Panhandle Yacht Club, Inc.*, 105 Idaho 622, 626, 671 P.2d 1085, 1089 (1983) (citing *Illinois Central R.R. Co. v. Illinois*, 146 U.S. 387, 13 S.Ct. 110 (1892)).

As administrator of the trust in navigable waters on behalf of the public, a state agency acts as trustee of the public resource. *Id.* In exercising its duties it must consider many factors including the degree to which broad public uses may be set aside in favor of more limited or private ones. *Kootenai Env't All.*, 105 Idaho at 629–30, 671 P.2d at 1092–93 While it is well-settled that the power to grant these applications is vested in the Land Board through IDL, “this power is not absolute”, and is “subject to the limitations imposed by the public trust doctrine.” *Id.* at 632. **“The public trust doctrine at all times forms the outer boundaries of permissible government action with respect to public trust resources.”** *Id.* (emphasis added).

In this case, IDL followed the applicable statutory framework of the LPA. After receiving

the Application and determining it met the requisite standards outlined in I.C. § 58-1306(a), IDL published notice in the Coeur d'Alene Press in accordance with I.C. § 58-1306(b). IDL also furnished copies of the Application to other state agencies having an interest in the Application and adjacent neighbors. *Id.*

After receiving an objection from an adjacent neighbor, IDL ordered a public hearing and published notice of the same in accordance with I.C. § 58-1306(c). At the hearing, IDL presented testimony related to the adverse impacts of the project on the public trust resource when examined in light of its primary purpose, including navigation. IDL and members of the public testified regarding the broad public use of the Spokane River and how narrowing the channel would set aside the public use of the corridor in favor of more limited or private uses. Members of the public testified in opposition to the project on the grounds of safety, congestion, navigation, and objected to the blatant mischaracterization of the four docks as a “community dock system.”

After the hearing, ALJ Hayes issued a “Findings of Fact, Conclusions of Law and Recommended Order” making specific findings as to fish and wildlife habitat, water quality, recreation, aesthetics, boat garage standards, community dock standards, and the line of navigability. Ultimately, ALJ Hayes recommended denial on the grounds that the encroachment will adversely impact public navigation, and the Application, when examined as a whole is not a community dock request but “instead appears to be four private landowners seeking to build docks larger than would be permitted a single-family dock on their respective and individual properties.” Recommended Order, p. 13. Granting this Application would render IDL’s regulatory authority a nullity because in order to “overcome the restrictions on single-family docks and two-family docks as to size, dimensions, and whether it seeks to exceed the line of navigability, one would only need to find two or more adjacent landowners.” *Id.*, pp. 13-14.

As Director, I agree with ALJ’s findings and conclusions and, based on the record, I agree that this Application violates the spirit and the letter of the rules and regulations that contemplate larger community docks to benefit a greater number of individuals and provide greater access to navigation and recreation than would otherwise exist. The record contains no evidence that these four docks will provide benefit to anyone other than the four applicants. The record contains no evidence of benefit to the public and the only evidence of private benefit appears to be the littoral owners’ ability to exercise their littoral rights which may be accomplished through less

impactful means consistent with the LPA and associated rules through single-family docks.

Although seemingly similar community docks exist along the River as referenced by the “Spokane Orders,” these decisions are easily distinguishable, with different characteristics at different parts of the river, with different impacts on public trust resources.

Conversely, the record does contain evidence of detrimental impacts. The onsite inspection photos and maps in the record demonstrate the narrowness of the channel even without the proposed community docks. While there was testimony that two docks would provide a 366-foot safety corridor (Vedadi and Olinger) if the pilings were removed, the Application must be decided as presented and based on the current conditions of the Spokane River. Rec. at 10:51-11:54. The safety and navigability concerns cannot be decided on hypothetical future scenarios.

#### **The Benefits of these Four Docks do not Exceed the Detrimental Effect**

The LPA and public trust doctrine require IDL to examine the impacts of the project on public trust uses in light of the primary purpose for which it is suited:

It is the express policy of the State of Idaho that the public health, interest, safety and welfare requires that all encroachments upon, in or above the beds or waters of navigable lakes of the state be regulated in order that the protection of property, navigation, fish and wildlife habitat, aquatic life, recreation, aesthetic beauty and water quality be given due consideration and weighed against the navigational or economic necessity or justification for, or benefit to be derived from the proposed encroachment.

I.C. § 58-1301; IDAPA 20.03.04.011.01; *Kootenai Env't All.*, 105 Idaho at 629–30, 671 P.2d at 1092–93. If it is determined that “the benefits, whether public or private, to be derived from allowing such encroachment exceed its detrimental effects, it shall grant the permit.” I.C. § 58-1306(e). The information in the record does not support approval.

As noted above, Applicants did not apply for single family docks, which provide far less rigorous standards for approval and far less impact on public trust resources. Applicants applied for a community dock, so the Application is evaluated under community dock standards and applicant is required to demonstrate both that they meet the technical requirements for the proposed encroachment and that the benefits of allowing the encroachment outweigh the detriments. Based on the record, Applicant has failed to demonstrate that the public or private benefits outweigh the detriments of the Application.

Regardless of the characterization, the proposed project does not resemble a community dock. Instead, it appears to be four private landowners seeking to build docks larger than normally allowed as a single-family dock on their respective and individual properties. Granting this permit would render IDL's regulatory authority of the public trust waters in Idaho a nullity because to overcome the restrictions on single-family and two-family docks as to size, dimensions, and whether it seeks to exceed the line of navigability, one would only need to find two (2) or more adjacent landowners.

While IDL is required to weigh the economic benefits and detriments of a proposed navigational encroachment, it must also weigh the LPA values of navigation, fish and wildlife habitat, aquatic life, recreation, aesthetic beauty and water quality.

### **Fish and Wildlife Habitat**

There is no evidence in the record that the four docks will pose a detriment to fish and wildlife habitat or aquatic life. While some of the public testimony touched on this point, it was based on personal opinions and not admissible facts. IDFG provided that it had no comment on the Application.

### **Recreation**

Although the record contains much discussion regarding navigation, there is little evidence regarding the docks' impact on public recreation. The Spokane River is a navigable river that is open to public use as a public highway for travel and passage, which naturally correlates to recreation.

While the docks will provide the individual owners the ability to recreate, there are less impactful alternatives, which include a single-family dock. Because the docks as presented will impact navigation as discussed more fully below, they will naturally impact recreation. The evidence demonstrates that the project will adversely impact recreation.

### **Aesthetic Beauty**

There is no evidence in the record that the four proposed docks would adversely impact the aesthetic beauty of the Spokane River.

### **Water Quality**

There is no substantial and competent evidence in the record that the four proposed docks would be detrimental to the water quality of the Spokane River. While some of the public

testimony opined to this point, most was based on anecdotal references and personal opinions.

### Navigability

The LPA Rules contemplate that community docks may extend beyond the line of navigability if one is established, and the Director may designate a line of navigability for the purpose of effective administration of these rules. IDAPA 20.03.04.015.13.d. When determining littoral lines and lines of navigability, the Idaho Supreme Court has held “[i]t is realized that due to the numerous variations of the shoreline formations, such as a convex or a concave, or otherwise irregular shoreline of a lake or other large body of water, no one rule or formula could be invoked to determine the littoral boundaries which would apply in all cases. *Driesbach v. Lynch*, 71 Idaho 501, 508, 234 P.2d 446, 450 (1951).

[T]here seems to be no hard and fast rule or rules which are without modification to meet peculiar facts and circumstances; the controlling thought in every case is to treat each case in an equitable manner so that, so far as it is possible, all property owners on such a body of water have access to the water; the courts in all cases have striven to see that each shore line owner shall have his proportionate share of the deep water frontage and all of the rules which have been adopted and applied throughout the years by the courts in relation to this problem have had that end in view; the courts have not hesitated to point out that these rules often require modification under the peculiar circumstances of the case in order to secure equal justice, and that where such is the case the courts do not hesitate to invoke a modification to attain such objective.

*Id.* Here, the record does not identify an established line of navigability. As noted by IDL, “[t]here are no other docks in the immediate area[,]” but “there is a dock located six (6) lots to the southeast that extends fifty-five (55) feet from the shore.” Idaho Department of Lands’ Prehearing Statement, p. 8. While the LPA Rules contemplate that community docks may extend beyond the Line of Navigability, “[n]o portion of [a single-family dock] may extend beyond the line of navigability.” IDAPA 20.03.04.015.02.d.

To meet the concerns regarding the narrow channels of the Spokane River, IDL and various other agencies have developed a 366’ corridor guideline that balances sufficient room to navigate and riparian access. The corridor allows a 150’ no wake buffer to the end of the docks, and a 66’ corridor for boats navigating up and down the river with ample passing space, and another 150’ buffer. No party objected to the implementation of a 366’ corridor, which is a practical solution for providing additional moorage and access to navigation. *Brett v. Eleventh St. Dockowner's Ass'n, Inc.*, 141 Idaho 517, 523-24, 112 P.3d 805, 8011-12 (2005).

To that end, other projects on the Spokane River in the area have utilized the 366-foot safety corridor guideline, where the river allows, when determining whether a project should be approved. While this is not an IDL regulation, it was developed in 2025 to address safety concerns on the Spokane River in conjunction with “representatives from Kootenai County Parks and Waterways, the Kootenai County Waterways Advisory Board, the City of Coeur d’Alene Community Planning Department, and their legal counsel, the City of Post Falls Planning Department, [and the] Kootenai County Sheriff’s Office.” Rec. at 6:33-6:59.

The 366-foot corridor is a concept based on existing Kootenai County Boating Ordinances. Those ordinances require boats to remain at no wake within 100 feet of shore or dock. They also require boats passing one another to maintain approximately 50 feet of separation. Given that many boats average approximately 8 feet in width, this results in a minimum corridor of roughly 366 feet to allow for safe navigation.

Rec. at 6:59-7:37. While this 366-foot benchmark is not an IDL regulation and may be impacted by specific aspects of the river, it provides a practical guideline for assessing impacts to navigation by specific proposed encroachments and has been applied to similar projects on the River. Applying it to other similar projects and ignoring it here would nullify this jointly crafted solution.

In this case, Applicants’ riparian parcels are located on a narrow channel of the river. Navigability is further complicated due to “relic pilings” located directly across from the Applicants’ parcels and which further narrow the river channel. IDL has asked the city of Coeur d’Alene to remove the pilings, but the pilings remain, and continue to be a known and well-documented navigational hazard. At the hearing, it was determined that three of the four docks would not allow a safe 366’ foot corridor with the pilings in place, and only two would provide if the pilings were removed.

While the docks would obviously provide private benefit to the four Applicants, the impact on the narrowing of the channel of this portion of the Spokane River demonstrates a negative impact to navigation as a whole.

As presented, this Application fails to meet the standards of a community dock when examined in light of its impact to the public resource for its intended purpose. Four riparian owners seek private moorage, each uniquely designed and respectively affixed to their private property. However, even in the event that these four separate and distinct docks could constitute

a “community dock system,” the detrimental impacts to navigation, recreation, and the public trust resource exceed the benefits in this instance.

Although IDAPA 20.03.04.015.02.c grants the Department discretion to “limit the ultimate size when evaluating the proposal and public trust values,” I decline to do so. Granting the Application as presented with size limitations would only serve to encourage future attempts to obtain more private benefits at the expense of public resources under the guise of a mischaracterized encroachment. If Applicants wish to reapply for individual single-family docks, they are free to do so.

**ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED that the Encroachment Permit Application L-95-S-6193 is **DENIED**.

This is a final order of the agency. Pursuant to Idaho Code § 58-1306(c) and IDAPA 20.03.04.030.09, the Applicant or any aggrieved party who appeared at the hearing has a right to have the proceedings and Final Order reviewed by the district court in the county where the encroachment is proposed by filing a notice of appeal within thirty (30) days from the date of this Final Order. The filing of a petition for judicial review does not itself stay the effectiveness or enforcement of this Final Order under appeal pursuant to Idaho Code § 67-5274.

**IT IS SO ORDERED.**

DATED this 15th day of May, 2026.

IDAHO DEPARTMENT OF LANDS



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BILL HAAGENSON  
Deputy Director

## CERTIFICATE OF MAILING

I hereby certify that on this 15th day of May, 2026, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

<p>Adam and Coral Olinger 2600 E. Seltice Way, #181 Post Falls, ID 83854 <i>Applicant</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Email: olingerpropertiesllc@gmail.com</p>
<p>Alex Hamill 838 N. 7th Street Coeur d'Alene, ID 83814 <i>Applicant</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Email: alex.hamill@wefund4u.com</p>
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<p>Jordan Dascalo 1201 W. Fremont Avenue Selah, WA 98942 <i>Applicant</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Email: bigworkofficial@gmail.com</p>
<p>Scott Hansen, Laneco Marine 258 McGhee Road Sandpoint, ID 83864 <i>Applicant's Agent</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Email: scott@lanecomarine.com</p>
<p>Justin Yancey 6696 E. Maplewood Avenue Post Falls, ID 83854</p>	<p><input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Email: yancey@yanceyfarm.com</p>
<p>Sarah Roop, Planner II Kootenai County Community Development 451 N. Government Way P.O. Box 9000 Coeur d'Alene, ID 83816-9000</p>	<p><input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Email: sroop@kcgov.us</p>
<p>Idaho Department of Lands Kayleen Richter 300 N. 6th Street, Ste. 103 Boise, ID 83702 <i>Counsel for IDL</i></p>	<p><input checked="" type="checkbox"/> Email: kritcher@idl.idaho.gov</p>
<p>Marde Mensinger <i>Program Manager, Navigable Waters</i> Mike Ahmer <i>Lands Resource Supervisor, Navigable Waters</i> Kourtney Romine Kayla Dawson <i>Service Contacts for IDL</i></p>	<p><input checked="" type="checkbox"/> Email: mmensinger@idl.idaho.gov mahmer@idl.idaho.gov kromine@idl.idaho.gov kdawson@idl.idaho.gov</p>

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/s/ Kayla Dawson  
Kayla Dawson, Legal Assistant